

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

**CIVIL NO. 1:08CV318**

**SOUTHERN ALLIANCE FOR CLEAN )  
ENERGY; ENVIRONMENTAL )  
DEFENSE FUND; NATIONAL PARKS )  
CONSERVATION ASSOCIATION; )  
NATURAL RESOURCES DEFENSE )  
COUNCIL; and SIERRA CLUB, )**

**Plaintiffs,**

**Vs.**

**DUKE ENERGY CAROLINAS, LLC,**

**Defendant.**

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**ORDER**

**THIS MATTER** is before the Court *sua sponte* to extend an invitation to the Office of the North Carolina Attorney General to file an amicus brief with this Court addressing the following issue:

With reference to the letter from Plaintiffs to this Court filed on January 7, 2009, is the North Carolina Department of Environment and Natural Resources, Division of Air Quality, in full compliance with the Judgment, Memorandum, and Order filed by the Court on December 12, 2008, and if so, why or why not?

The undersigned requests this brief be filed by January 20, 2009.

Further, Plaintiffs and Defendant are hereby notified that they should be prepared to discuss the issues raised by Plaintiffs' letter during the pretrial conference scheduled for January 21, 2009.

The Clerk's office is directed to transmit this Order electronically to the North Carolina Attorney General, to the attention of Allen Jernigan, Special Deputy Attorney General, Air and Natural Resources Division, at [ajernigan@ncdoj.gov](mailto:ajernigan@ncdoj.gov).

**IT IS SO ORDERED.**

Signed: January 9, 2009

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg  
United States District Judge

